

REMARKS

This responds to the Office Action mailed May 17, 2006 for the above application in which claims 2, 4-44, 47-59, 73-77 and 91-158 are now pending.

Claim 2 and claim 40 have been amended. Claims 1, 4, 45 and 46 have been cancelled.

Reconsideration of the application and claims in light of the following remarks is requested.

Lack of Clarity With Respect to Application Numbers

The undersigned understands the confusion with respect to the numbers. What happened was that the return postcard for the original application filing indicated the serial number as being 713,477. Thus, the preliminary amendment was filed bearing that number as were the IDS's. However, in April 2001, when the Official Filing Receipt was mailed, it identified the Serial Number as 713,476, not 477. Upon receipt, the undersigned called the Office regarding this change in numbering and was informed that the correct serial number was 713,476, that there was no application with the serial number 713,477 at all, and that all documents that had been filed up to that point (we went through document by document) were listed in PAIR as being part of application 713,476, notwithstanding the original use of 713,477. It would be highly appreciated if the Examiner could re-check whether 713,477, in fact, does exist and whether some of the missing documents pertaining to this case are there due to this change in serial numbers by the Office.

Claim Allowances and Allowability Indications

Applicants thank the Examiner for the allowance of claims 48-59, 73-77, 91-146 and 150-158 and the indication that claims 3,4, 6-12, 15-17, 19-32, 36-39, 46-47 and 147-149 are allowable.

Non-Acknowledged IDS Filings

The undersigned again notes, with a great deal of frustration that the IDS's filed on February 21, 2001 and June 28, 2001 (Exhibits B and C to the Response filed January 16, 2004) have still not been acknowledged despite the fact that:

- 1) private PAIR indicates receipt,
- 2) the undersigned brought the receipt and non-entry (as well as non-entry of the Preliminary Amendment) to the attention of the Office in the January 2004 filing (see 1/14/2004 Response at pgs. 1-2),
- 3) the Preliminary Amendment filed February 21, 2001 WAS entered in response to the January 2004 paper,
- 4) to date, the Office has not identified any problem or defect with such submissions,
- 5) a nonexhaustive review of the IFW on pair turns up one of the references cited in one of the IDS's as being entered on July 2, 2001 (labeled "NPL Documents") and three others as being entered on January 16, 2004 (each labeled "Foreign References"),
- 6) twenty one of the cited references are U.S. Patents, so that, even if the Office lost the references themselves, they could have been considered and replacement of the others requested.

Indeed, it is curious why the "Available Documents" portion of private PAIR (copy attached) indicates receipt of the original IDS on "07-02-2001" yet there is absolutely no corresponding entry in the "Transaction History" portion of private PAIR (copy attached). And no entry for the subsequently filed IDS despite provision of proof of receipt of all the IDS's (See Exhibits B & C to Response filed 1/16/04). Clearly, there is something wrong with the way the Office has been handling documents that is highly prejudicial to applicants and should be rectified.

The undersigned and Applicant respectfully again request that the Office confirm that it has considered the contents of each of the IDS's with the next paper by returning a copy of the initialed previously submitted PTO Form-1449. In that regard, provided concurrently herewith are replacement copies of the non-patent references listed on those forms.

It is respectfully submitted that no additional fees are (or should be) necessary with respect to those IDS's.

Response to Claim Rejections – 35 USC § 103(a)

Claims 1, 4, 45 and 46 have been cancelled. In addition, claim 2 has been rewritten in independent form and amended to further incorporate the limitation of previously allowable and now cancelled claim 4.

Similarly, independent claim 40 has been amended to incorporate the limitations of claims 45 and 46, the latter of which was indicated as being allowable.

As a result, the pending obviousness rejections are now moot.

Accordingly, it is respectfully submitted that claim 2, as amended, is now allowable, as are all claims directly and indirectly dependent from claim 2 and further, that claim 40, as amended, is also allowable along with all claims directly and indirectly dependent from claim 40.


CONCLUSION

It is respectfully submitted that all of the pending claims are now allowable and early favorable action in that regard is solicited. In the event any issues remain that could potentially be resolved by telephone, the Examiner is urged to contact the undersigned at the number below. Should any additional fee(s) be required for the entry of this Amendment, the Commissioner is hereby authorized to charge Deposit Account No. **13-4500**, Order No. **3801-4000US1**.

Respectfully submitted,

MORGAN & FINNEGAN

By:


Richard Straussman
Reg. No. 39,847

Dated: November 16, 2006

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ATTACHMENT TO RESPONSE

Transaction History

Date	Transaction Description
05-17-2006	Mail Non-Final Rejection
05-15-2006	Non-Final Rejection
05-02-2006	Case Docketed to Examiner in GAU
03-21-2006	Case Docketed to Examiner in GAU
02-28-2006	Date Forwarded to Examiner
02-17-2006	Response after Non-Final Action
02-17-2006	Request for Extension of Time - Granted
11-17-2005	Mail Notice of Informal or Non-Responsive Amendment
04-24-2005	IFW TSS Processing by Tech Center Complete
04-24-2005	Date Forwarded to Examiner
01-16-2004	Informal or Non-Responsive Amendment after Examiner Action
01-16-2004	Response after Non-Final Action
07-07-2001	Reference capture on IDS
02-08-2005	Case Docketed to Examiner in GAU
01-16-2004	Information Disclosure Statement (IDS) Filed
01-16-2004	Preliminary Amendment
01-16-2004	Request for Extension of Time - Granted
08-09-2004	Correspondence Address Change
09-16-2003	Mail Non-Final Rejection
09-08-2003	Non-Final Rejection
06-26-2003	Date Forwarded to Examiner
06-18-2003	Response after Non-Final Action
06-14-2003	Request for Extension of Time - Granted
12-19-2002	Mail Non-Final Rejection
12-16-2002	Non-Final Rejection
08-13-2002	Case Docketed to Examiner in GAU
06-11-2002	Case Docketed to Examiner in GAU
10-19-2001	Transfer Inquiry
07-10-2001	Application Dispatched from OIPE
07-10-2001	Application Is Now Complete
04-17-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
04-17-2001	Correspondence Address Change
12-15-2000	IFW Scan & PACR Auto Security Review
11-15-2000	Initial Exam Team nn

MISSING ENTRY

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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Description	Document Category	Page Count
05-17-2006	Non-Final Rejection	PROSECUTION	9
05-17-2006	Index of Claims	PROSECUTION	2
05-17-2006	Search information including classification, databases and other search related notes	PROSECUTION	1
02-17-2006	Amendment - After Non-Final Rejection	PROSECUTION	1
02-17-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
02-17-2006	Extension of Time	PROSECUTION	2
02-17-2006	Miscellaneous Incoming Letter	PROSECUTION	1
11-17-2005	Notice to the applicant regarding a Non-Compliant Amendment	PROSECUTION	2
01-16-2004	Fee Worksheet (PTO-875)	PROSECUTION	2
01-16-2004	Fee Worksheet (PTO-875)	PROSECUTION	1
01-16-2004	Fee Worksheet (PTO-875)	PROSECUTION	1
01-16-2004	Foreign Reference	PRIOR ART	46
01-16-2004	Foreign Reference	PRIOR ART	42
01-16-2004	Authorization for Extension of Time all replies	PROSECUTION	2
01-16-2004	Information Disclosure Statement (IDS) Filed	PROSECUTION	5
01-16-2004	Foreign Reference	PRIOR ART	6
01-16-2004	Transmittal to TC	PROSECUTION	5
01-16-2004	Preliminary Amendment	PROSECUTION	1
01-16-2004	Claims	PROSECUTION	4
01-16-2004	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
01-16-2004	Information Disclosure Statement (IDS) Filed	PROSECUTION	11
01-16-2004	Transmittal to TC	PROSECUTION	2
01-16-2004	Amendment - After Non-Final Rejection	PROSECUTION	1
01-16-2004	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	8
09-16-2003	Non-Final Rejection	PROSECUTION	5
09-16-2003	List of references cited by examiner	PRIOR ART	1
06-18-2003	Petition Entered	PROSECUTION	5
12-19-2002	Non-Final Rejection	PROSECUTION	4
07-02-2001	Information Disclosure Statement (IDS) Filed	PROSECUTION	6
07-02-2001	NPL Documents	PRIOR ART	4
06-21-2001	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	3
06-21-2001	Oath or Declaration filed	PROSECUTION	6
04-17-2001	Pre-Exam Formalities Notice	PROSECUTION	1
11-15-2000	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
11-15-2000	Search information including classification, databases and other search related notes	PROSECUTION	1
11-15-2000	Index of Claims	PROSECUTION	1
11-15-2000	Transmittal of New Application	PROSECUTION	4
11-15-2000	Authorization for Extension of Time all replies	PROSECUTION	4
11-15-2000	Drawings	PROSECUTION	128
11-15-2000	Specification	PROSECUTION	48
11-15-2000	Claims	PROSECUTION	30
11-15-2000	Abstract	PROSECUTION	1
11-15-2000	Oath or Declaration filed	PROSECUTION	6
11-15-2000	Bibliographic Data Sheet	PROSECUTION	1
11-15-2000	Fee Worksheet (PTO-875)	PROSECUTION	1
11-15-2000	Fee Worksheet (PTO-875)	PROSECUTION	1

11-15-2000	Claims Worksheet (PTO-2022)	PROSECUTION	1
11-15-2000	Miscellaneous Incoming Letter	AS FILED	216
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